US Army Corps
of Engineers

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

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RESPONSE REQUIRED BY: June 23, 2003

PERMIT MANAGER: Bob Quebedeaux PHONE:415-977-8446 Email: bquebedeaux@spd.usace.army.mil

1. **INTRODUCTION**: The Port of Oakland [Mr. Joseph Wong, 530 Water Street, P.O. Box 2064, Jack London Square, Oakland, CA 94607, Attn: Ms. Marucia Britto, (510) 627-1104] has applied for a Department of the Army (Corps) permit within Corps jurisdictional tidal waters for the proposed "Port of Oakland, Berth 22 Wharf Reconstruction and Adjacent Yard Reconfiguration Project". The subject area**,** as shown in the attached Figures 1-4, is located on the east shoreline of San Francisco Bay (Bay) at the Port of Oakland (Berth 22) in the City of Oakland, Alameda County, CA. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344), Section 10 of the Rivers and Harbors Act of 1899 33 U.S.C. 403) and Section 103 of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1413).

2. **PROJECT PURPOSE & DESCRIPTION**: The Berth 22 wharf is one of the oldest wharf structures in the Port. Portions of the existing wharf were built in the 1920s and 1940s with treated wood piling and concrete; the wharf is currently supported by a combination of concrete and timber piles from original construction and later upgrades. The Port of Oakland plans to upgrade all of its terminals, associated wharves and container storage yards (the existing wharf load capacity is far below current marine terminal standards) in order to accommodate new tenants as well as the next generation of vessels requiring a water depth of –50 feet, see attached Figures 5-9. The purpose of the Berth 22 Wharf Rehabilitation Project is to replace the existing Berth 22 wharf with a modern wharf that meets current seismic standards capable of withstanding typical wharf loads associated with the routine use of maritime equipment and is needed to ensure safe and efficient operation of the Berth 22 terminal and to better meet the current needs of the shipping industry. The reconstruction of the embankment is also necessary to accommodate the future deepening of the Berth to –50 feet MLLW (mean lower low water) with 2 feet of over-dredge allowance. The project also encompasses some improvements at the Berths 20-24 yards, such as the removal of fences and minor improvements proposed at the yards, needed in order to consolidate the tenant's operation. Project plans are detailed below:

The project involves removal of fill associated with the existing Berth 22 wharf and placement of fill necessary to construct the new wharf. The Port proposes to remove approximately 115,240 cubic yards of fill (including the old wharf piles, riprap, rubble, mud, sand and rock) from the Bay and place approximately 61,947 cubic yards of fill in the Bay (including new wharf piles, riprap and rock) to build the new wharf facility.

The new embankment will occupy less Bay volume and will result in a decrease in area covered by solid fill. At mean high water (MHW), there will be a decrease of the Bay area covered by the Berth 22 embankment measuring approximately 10 feet wide and 950 feet long (9,500 square feet or 0.22 acre).

However, this area will continue to be covered with pile-supported fill (the new wharf). There are currently approximately 700 piles supporting the existing Berth 22 wharf. The area covered by these piles total 2,324 square feet. These piles will be removed and replaced with 590 new piles; 324 of these piles will be placed below MHW. The total Bay area that will be covered by the proposed 324 piles is 1,076 square feet (0.02 acre). There will be a decrease of –1,248 square feet (0.028 acre) from the area covered by the existing piles.

The new Berth 22 wharf's edge will be at the same location as the existing wharf's edge and will be the same length, approximately 950 feet long. However, reconstruction of the Berth 22 wharf will result in demolition of a portion of Berth 21 wharf, where it joins Berth 22. The deck of Berth 21 will be approximately 40 feet shorter, creating a 4,000 square-foot gap between Berth 21 and the northern end of Berth 22. The new deck (horizontal surface) for the wharf will consist of a cast-in place concrete deck approximately 950 feet long and 110 feet wide supported by high strength pre-stressed concrete piles. The dike between Berths 22 and 21 will be reconstructed at approximately the same location; a sheet pile wall would be installed at the northernmost edge of Berth 22, as it joins Berth 21.

Even though the new Berth 22 wharf will accommodate the larger 100-foot gauge cranes, which are heavier than the existing 50-foot gauge cranes, the new wharf will be supported by fewer piles than what currently supports the existing wharf. (The proposed number of new piles is the minimum necessary to maintain the seismic and structural integrity of the new wharf deck). Also, riprap will be placed to reinforce the embankment to stabilize the re-contoured slope and to prevent erosion underneath the wharf.

The only structures that will be installed on the wharf are two 100-foot gauge Post-Panamax cranes. In the stored position (boom at a 45 degree angle), the total height of the crane will be approximately 200 feet above the wharf surface. The maximum height of the crane will be approximately 372 feet during the few days every year when the cranes are undergoing maintenance. The crane support will create a footprint measuring 100 X 80 feet.

The reconfiguration of the Berths 20-24 yards will include removal of fences between yards, moving scales from Berth 24 gate to a widened Berth 21 gate (which will become the inbound gate for the Maersk-SeaLand terminal), removing scales and demolishing the gate complex at Berth 23, transforming the Berth 24 gate into the main outbound gate, demolishing buildings, relocating utilities as needed, grading and paving, and re-striping terminal to consolidate operations.

The Port is proposing to discharge consolidated mud or sand dredged from Berth 22 at either the San Francisco Deep Ocean Disposal Site (DODS) or the Middle Harbor Habitat Enhancement Area (MHEA). Sand material could also be disposed at the SF-8 bar channel disposal site. The Port is currently testing the material in accordance with the U.S. Environmental Protection Agency standards. The unconsolidated mud material will be dewatered at the Port's permitted rehandling facility at Berth 10 and re-used upland or sent to a landfill.

A summary of the wharf replacement project is presented below:

-Demolition of the existing Berth 22 wharf (including removal of concrete and treated wooden piles and the wharf deck) and construction of a 950-foot long and 111-foot wide wharf at the same location;
-Demolition of the bulkhead wall and reconstruction of a concrete cut-off wall behind the Berth 22 wharf;

-Excavation and re-contouring of the Berth 22 embankment and dike to increase the seismic stability of the wharf embankment and accommodate the deepening of the Berth 22 to –52 feet MLLW (mean lower low water);
-Dewatering of some dredged sediments (unconsolidated mud) at the Berth 10 drying yard and disposal or reuse upland;
-Construction of a temporary rehandling facility at Berth 22. No decant water or runoff would be discharged from the Berth 22 rehandling facility back to the Bay, unless tested and approved by the appropriate regulatory agencies;
-Dewatering of some dredged sediments (fill, rubble fill, riprap and potentially sand) at a temporary drying yard at Berth 22;
-Disposal of consolidated mud in the Port of Oakland Middle Harbor Habitat Enhancement Area or San Francisco Deep Ocean Disposal Site (DODS);
-Reuse of approximately 8,500 cubic yards of rock and riprap in the new embankment;
-Reuse of approximately 23,000 cubic yards of clean Merritt Sand in the Port of Oakland Middle Harbor Habitat Enhancement Area, or disposal at the San Francisco DODS or SF-8 bar channel disposal site;
-Construction of a new ship's water system and power system at the face of the Berth 22 wharf (tied to the existing systems at the back of the wharf);
-Demolition of the existing longshoremen's building (known as Port Building B-322) in the backlands of the Berth 22 wharf;
-Demolition of the existing aboveground crane power supply at Berth 22 and installation of a new crane power trench and cover, which will involve construction of a trench approximately 4 feet deep in the wharf deck;
-Relocation and upgrade of an existing electrical substation in the backlands of the Berth 22 wharf;
-Construction of a new crane power supply line from an existing substation at Berth 24 to the Berth 22 wharf;
-Replacement of the 50-foot gauge crane rails at Berth 22 with 100-foot gauge rails; and
-Replacement of the two old cranes at Berth 22 with two new 100-foot gauge gantry container cranes (Post Panamax cranes).

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification. A waiver shall be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

The project is subject to the jurisdiction purview of the San Francisco Bay Conservation and Development Commission (SF BCDC). The applicant must show valid compliance with the California's Coastal Zone Management Act (CZMA) prior to issuance of a permit. Coastal development issues should be directed to SF BCDC, 50 California Street, Suite 2600, San Francisco, CA 94111.

4. **COMPLIANCE WITH VARIOUS FEDERAL LAWS:** The Corps will assess the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy

Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. The documents used in the preparation of the Environmental Assessment will be on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

Endangered Species Act of 1973 (ESA): The project is located on the San Francisco Bay, in which the following listed species may occur: Central California coho salmon *(Oncorhynchus kisutch)*, steelhead trout *(Oncorhynchus mykiss)*, Sacramento River winter-run chinook salmon *(Oncorhynchus tshawytscha)*, California brown pelican *(Pelecanus occidentalis)*, California least tern *(Sterna antillarum)* and Western snowy plover *(Charadrius alexandrinus nivosus)*. Therefore, the Corps will initiate Section 7 consultation with the U.S. Fish & Wildlife Service and the National Marine Fisheries Service (NOAA Fisheries) to avoid any adverse effects to these listed species as a result of permitted wharf rehabilitation activities.

Magnuson-Stevens Fishery Conservation and Management Act of 1996: In addition, the Corps will consult with NOAA Fisheries on potential of adverse impacts to essential fish habitat pursuant to this Act for various life stages of fish species occurring in San Francisco Bay.

National Historic Preservation Act of 1966 (NHPA): A Corps archaeologist will be requested to conduct a cultural resources assessment of the permit area, involving a review of published and unpublished data on file with city, State and Federal agencies. If, based on assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

5. **EVALUATION OF ALTERNATIVES**:
Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation was made by this office under the 404(b)(1) guidelines and it was determined that the proposed project is water dependent.

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The Corps is soliciting comments from the public,

Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. **SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Bob Quebedeaux of our office at telephone 415-977-8446 or E-mail: bob.d.quebedeaux@spd02.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.